

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

---

GAIL STRINGER, et al.,

Plaintiffs,

v.

DAWN RICHARD, et al.,

Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CASE NO. 4:21-cv-00632

OPINION & ORDER  
[Resolving Docs. [58](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Plaintiffs Gail Stringer, Debra Jordan, Venice Andrews, and Eddie Howard sue Defendants Dawn Richard and Derek Bergheimer for copyright infringement, violation of publicity, and invasion of privacy.<sup>1</sup>

On August 19, 2022, the Court granted Defendant Dawn Richard's summary judgment motion.<sup>2</sup>

Plaintiffs now move for reconsideration of the Court's grant of summary judgment.<sup>3</sup>

Under [Federal Rule of Civil Procedure 59\(e\)](#), a court may grant a motion to amend or alter its judgment if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) manifest injustice.<sup>4</sup> A reconsideration motion, however, is not an opportunity to re-litigate previously decided matters or present the case under new theories.<sup>5</sup> Such a reconsideration motion is extraordinary and rarely granted.<sup>6</sup>

---

<sup>1</sup> Doc. [1](#).

<sup>2</sup> Doc. [55](#).

<sup>3</sup> Doc. [58](#).

<sup>4</sup> *Gencorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999).

<sup>5</sup> See *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998).

<sup>6</sup> *Plaskon Elec. Materials, Inc. v. Allied-Signal, Inc.*, 904 F. Supp. 644, 669 (N.D. Ohio 1995).

Case No. 4:21-cv-00632  
GWIN, J.

In their reconsideration motion, Plaintiffs argue that newly discovered evidence shows intentional copyright infringement.<sup>7</sup> However, the evidence Plaintiffs presented in their reconsideration motion does not affect the Court's original conclusions that (1) Plaintiffs did not hold a sound recording copyright for the arguably copied song, "Abundance of Rain," and that (2) the composition at issue is not original because Plaintiffs did not independently create the arguably-copied phrasing. As a result, Plaintiffs' sound recording and composition copyright claims still fail.

For the foregoing reasons, the Court **DENIES** Plaintiffs' motion for reconsideration.

IT IS SO ORDERED.

Dated: September 19, 2022

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

---

<sup>7</sup> Doc. [58](#).